

EXHIBIT D

From: Means, Miranda <miranda.means@kirkland.com>
Sent: Monday, July 25, 2022 5:07 PM
To: Steinberg, Joachim
Cc: ROSS Lit Team; #Thomson-Ross; mflynn@morrisnichols.com; jblumenfeld@morrisnichols.com; *bpalapura@potteranderson.com
Subject: RE: Thomson Reuters et al. v. ROSS Intelligence

External Email

Dear Joachim,

Given that both parties are moving to amend their pleadings, Thomson Reuters would be willing to drop its opposition to ROSS's motion to amend if ROSS will drop its opposition to Thomson Reuters' motion to amend. Otherwise, we will oppose and argue that ROSS's amendment is futile. Not only does the nature of Thomson Reuters' claims mean they are not preempted, but ROSS significantly delayed in bringing this affirmative defense without any justification (as ROSS admits that it did not need discovery to bring the defense).

Please let us know how ROSS would like to proceed, and if we still need to meet and confer on this dispute.

Best regards,
Miranda

Miranda Means
She/Her/Hers

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From: Steinberg, Joachim <JSteinberg@crowell.com>
Sent: Monday, July 25, 2022 11:49 AM
To: Means, Miranda <miranda.means@kirkland.com>
Cc: ROSS Lit Team <Rosslitteam@crowell.com>; #Thomson-Ross <thomson-ross@kirkland.com>; mflynn@morrisnichols.com; jblumenfeld@morrisnichols.com; *bpalapura@potteranderson.com <bpalapura@potteranderson.com>
Subject: RE: Thomson Reuters et al. v. ROSS Intelligence

Counsel,

If Plaintiffs will not consent to ROSS's proposed amendment to its answer, please let us know when you are available to meet and confer. We should have availability on any day this week. We also need to discuss possible dates for a teleconference on Plaintiffs' motion for leave to amend, for the joint letter due to the court with your reply letter. We can discuss both of these issues then.

Kind regards,
Joachim

Joachim B. Steinberg

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From: Steinberg, Joachim <JSteinberg@crowell.com>
Sent: Wednesday, July 20, 2022 3:26 PM
To: Means, Miranda <miranda.means@kirkland.com>
Cc: ROSS Lit Team <Rosslitteam@crowell.com>; #Thomson-Ross <thomson-ross@kirkland.com>;
mflynn@morrisnichols.com; jblumenfeld@morrisnichols.com; *bpalapura@potteranderson.com
<bpalapura@potteranderson.com>
Subject: Thomson Reuters et al. v. ROSS Intelligence

Counsel,

Plaintiffs' tortious interference claims—both the tortious interference claims in the operative complaint, and (if Plaintiffs' motion to amend is granted) the additional tortious interference claims in the First Amended Complaint—are preempted by the Copyright Act. *See* 17 U.S.C. § 301. The issue of preemption presents a question of law and would not require any additional discovery. ROSS does not think that copyright preemption is an affirmative defense which must be asserted in an answer, and we are not aware of any cases from the Third Circuit or any district court contained therein that holds that copyright preemption is an affirmative defense. However, we are aware of a handful of out-of-circuit district court cases that suggest otherwise. Therefore, out of an excess of caution, ROSS intends to amend its answer to add a statement that Plaintiffs' tortious interference claims are preempted. Please let us know if Plaintiffs consent to ROSS's filing of a Second Amended Answer. We have attached a redline for your review.

Best regards,
Joachim

Joachim B. Steinberg

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